

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Toshihiko MUNETSUGU et al.      Group Art Unit: 2176  
Serial No: 09/877,035      Examiner: Quoc A. TRAN  
Filed: June 11, 2001  
For: DATA PROCESSING APPARATUS AND DATA PROCESSING  
METHOD

**AMENDED APPEAL BRIEF UNDER 37 C.F.R. §41.37**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This amended appeal brief is responsive to the Notification of Non-Compliant Appeal Brief dated February 27, 2007. The Notification indicated that the Appeal Brief Appellant filed on February 23, 2006 was defective because it did not include an Evidence Appendix or a Related Proceedings Appendix. Appellant respectfully submits that the present amended appeal brief includes an Evidence Appendix and a Related Proceedings Appendix, and complies with all of the provisions of 37 CFR 41.37.

This appeal is from the Examiner's rejection of claims 1-4, 11-13 and 21-27, as set forth in the Final Official Action of August 24, 2005, and as maintained in the Advisory Action dated December 7, 2005 and the Notice of Panel Decision from Pre-Appeal Brief Review dated January 19, 2006.

**(1) REAL PARTY IN INTEREST**

The real party in interest is Matsushita Electric Industrial Co., Ltd., as established by an assignment recorded in the U.S. Patent and Trademark Office on June 11, 2001, at Reel 011893 and Frame 0777.

**(2) RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending.

**(3) STATUS OF THE CLAIMS**

Claims 1-4, 11-13 and 21-27 stand finally rejected. Claims 5-10 and 14-20 have been cancelled. The rejection of each of claims 1-4, 11-13 and 21-27 is hereby appealed. A copy of claims 1-4, 11-13 and 21-27 is attached as an Appendix to this brief.

**(4) STATUS OF THE AMENDMENTS**

The amendment to claims 12 and 13, filed on November 25, 2006 under 37 C.F.R. § 1.116, after the Examiner's final rejection of the claims of August 24, 2005, was entered by the Examiner, as indicated in the Advisory Action dated December 7, 2005.

**(5) SUMMARY OF THE CLAIMED SUBJECT MATTER**

Initially, Appellants note that the following descriptions are made with respect to the independent claims and include references to particular parts of the specification. As such, the following are merely exemplary and are not a surrender of other aspects of the

present invention that are also enabled by the present specification and that are directed to equivalent structures or methods.

The present invention relates to an apparatus and method for converting media content structure description data into content representation description data. (Specification, page 1, lines 4-13).

Independent claim 1 requires a data processing apparatus, comprising: an analyzer that receives as input structure description data in which media content is described, the media content being continuous audiovisual information, the structure description data describing types of media included in the media content, addresses indicating locations of the media content, and a plurality of segments that use the media, expressed in time information, wherein the analyzer extracts the time information of the segments from the structure description data; and a converter that automatically organizes the types of media and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation description data that specifies an order of representation and synchronization information of the segments.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-10, and disclosed at page 11, line 27 – page 28, line 13. The exemplary embodiments disclose a data processing apparatus (Figure 1), comprising: an analyzer (description converter 1003) that receives as input structure description data (summary content description 1008) in which media content is described (page 12, lines 24-27), the media content being continuous audiovisual information (page 1, lines 4-13), the structure description data describing types (205, Figure 2A) of media included in the

media content (page 14, line 9 – page 15, line 5, page 15, line 21 – page 16, line 4), addresses (src 207) indicating locations of the media content (page 16, lines 7-12), and a plurality of segments (208) that use the media, expressed in time information (page 16, lines 13-25), wherein the analyzer extracts the time information of the segments from the structure description data (S404, Figure 4; page 19, line 24 – page 20, line 5; page 20, lines 22-25); and a converter (description converter 1003) that automatically organizes the types of media and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation (Figures 5 and 10; page 22, lines 10-15; page 23, line 2 – page 24, line 12; page 27, line 16 – page 28, line 13), thereby automatically converting the structure description data into representation description data (1009, Figures 1 and 10) that specifies an order of representation and synchronization information of the segments.

Independent claim 11 requires a data processing apparatus, comprising: a selector that receives as inputs structure description data in which media content is described and a selection condition, the media content being continuous audiovisual information, the structure description data describing types of media included in the media content, addresses indicating locations of the media content, a plurality of segments that use the media, expressed in time information, and at least one media content score, wherein the selector selects at least part of the media content based on the selection condition and the at least one media content score; a converter that automatically organizes the types of media of the selected media content and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation

description data that specifies an order of representation and synchronization information of the segments; and a presenter that receives the representation description data and the selected media content, and represents the selected media content according to the representation description data.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-10 and 22-26, and disclosed at page 11, line 27 – page 28, line 13 and page 52, line 10 – page 57, line 10. The exemplary embodiments disclose a data processing apparatus (Figures 1 and 22), comprising: a selector (summary engine 1002, 1501) that receives as inputs structure description data (content description 1006, 1503) in which media content is described and a selection condition (1007, 1504; page 12, line 24 – page 13, line 27), the media content being continuous audiovisual information (page 1, lines 4-13), the structure description data describing types (205, Figure 2A) of media included in the media content (page 14, line 9 – page 15, line 5; page 15, line 21 – page 16, line 4), addresses (src 207) indicating locations of the media content (page 16, lines 7-12), and a plurality of segments (208) that use the media, expressed in time information (page 16, lines 13-25), and at least one media content score (score 2301, 2401; Figures 23 and 24; page 52, lines 10-24; page 53, line 24 – page 54, line 3), wherein the selector selects at least part of the media content based on the selection condition and the at least one media content score (page 13, lines 1-7; page 54, lines 4-14); a converter (description converter 1003) that automatically organizes the types of media of the selected media content (summary content description 1008, Figure 1) and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation (Figures 5 and 10; page 22, lines 10-15; page 23, line 2 – page 24, line 12;

page 27, line 16 – page 28, line 13), thereby automatically converting the structure description data into representation description data that specifies an order of representation and synchronization information of the segments (1009, Figures 1 and 10); and a representer (representation unit 1004, Figure 1) that receives the representation description data and the selected media content (1010), and represents the selected media content according to the representation description data (page 13, line 21 – page 14, line 2).

#### **(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

(A) Whether Claims 12, 13, 21 and 26 are properly rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement.

(B) Whether Claims 12, 13, 21 and 26 are properly rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as failing to set forth the subject matter which Applicants regard as their invention.

(C) Whether Claims 1-4, 11-13 and 21-27 are properly rejected under 35 U.S.C. §103(a) over DAVIS et al. (U.S. Patent No. 5,969,716) in view of JAIN et al. (U.S. Patent No. 6,360,234).

#### **(7) ARGUMENT**

**(A) The Rejection of Claims 12, 13, 21 and 26 under 35 U.S.C. §112, 1<sup>st</sup> paragraph is improper, and the Decision to Reject Claims 12, 13, 21 and 26 on this Ground Should be Reversed.**

In the Final Official Action of August 24, 2005, claims 12, 13, 21 and 26 were rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph as failing to comply with the written description requirement. Appellants respectfully submit that the rejection of each of claims 12, 13, 21 and 26 under 35 U.S.C. §112, 1<sup>st</sup> paragraph is improper and should be reversed. In this regard, Appellants hereinbelow address the rejection of claims on this ground.

### **Claims 12 and 13**

Appellants respectfully submit that claims 12 and 13 comply with the written description requirement of 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

In the Final Official Action dated August 24, 2005, the Examiner asserts, at pages 2-3, that claims 12 and 13 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that Appellants, at the time the application was filed, had possession of the claimed inventions. The Examiner specifically asserts that the claim terminology “client-server” is not supported by the specification.

According to the Advisory Action dated December 7, 2005, the Response filed on November 25, 2006 has been entered. In the Response filed on November 25, 2006, claims 12 and 13 were amended to replace the terminology “client-server” with “server-client”, which corresponds to the terminology originally presented in claims 12 and 13 at the time the application was filed on June 11, 2001. Original claims 12 and 13 are part of the disclosure of the present invention, and thus provide a proper description of the terminology, as presented in amended claims 12 and 13. In the Advisory Action, the

Examiner did not indicate whether the amendment to claims 12 and 13 overcame this basis for rejection. However, Appellants respectfully submit that the specification discloses, at page 92, lines 2-7, and page 93, lines 4-10, a “server-client” system, as currently recited in claims 12 and 13.

In the Final Official Action, the Examiner also asserts, at pages 2-3, that the claim terminology “representer” is not supported by the specification. Appellants note that the Examiner is inconsistent in that claim 11, which also includes the term “representer”, was not rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

In the Advisory Action, the Examiner acknowledges that Appellants are their own lexicographers, but asserts that the terminology has to be defined. The specification of the application discloses, at page 12, lines 7-11 and page 13, line 21 – page 14, line 2, a representation unit 1004 which represents media contents data 1010 according to a representing method description 1009. Appellants respectfully submit that, since a general definition of the term “representer” is “that which represents”, the description of the representation unit 1004 in the specification adequately supports the claimed term “representer”.

#### **Claims 21 and 26**

Appellants respectfully submit that claims 21 and 26 comply with the written description requirement of 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

In the Final Office Action, the Examiner asserts, at pages 2-3, that the claim terminology “one of a representative image” is not supported by the specification.



Appellants respectfully submit that the specification discloses, at page 31, lines 9-14, alternative data such as a representative image of a media segment of a moving picture. Appellants submit that the specification also discloses, at page 33, lines 17-22, that the alternative data may be an image or audio. Thus, Appellants respectfully submit that the specification adequately describes that “the alternative data comprises one of a representative image of media and audio information”, as recited in claims 21 and 26.

**(B) The Rejection of Claims 12, 13, 21 and 26 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph is improper, and the Decision to Reject Claims 12, 13, 21 and 26 on this Ground Should be Reversed.**

In the Final Official Action of August 24, 2005, claims 12, 13, 21 and 26 were also rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as failing to set forth the subject matter which Appellants regard as their invention. Since the Examiner did not specify a separate basis for rejecting claims 12, 13, 21 and 26, Appellants assume that the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection derives from the 35 U.S.C. §112, 1<sup>st</sup> paragraph rejection. Therefore, Appellants incorporate by reference the arguments set forth above in the 35 U.S.C. § 112, 1<sup>st</sup> paragraph rejection with respect to the 35 U.S.C. § 112, 2<sup>nd</sup> paragraph rejection. Appellants thus respectfully submit that the rejection of each of claims 12, 13, 21 and 26 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph is improper and should be reversed.

**(C) The Rejection of Claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) over DAVIS et al. (U.S. Patent No. 5,969,716) in view of JAIN et al. (U.S. Patent No.**

**6,360,234) is improper, and the Decision to Reject Claims 1-4, 11-13 and 21-27 on this Ground Should be Reversed.**

In the Final Official Action of August 24, 2005, the Examiner rejected claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) over DAVIS et al. (U.S. Patent No. 5,969,716) in view of JAIN et al. (U.S. Patent No. 6,360,234). Appellants respectfully submit that the rejection of claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) over DAVIS et al. in view of JAIN et al. is improper and should be reversed.

**Claim 1**

Appellants respectfully submit that the applied prior art does not disclose or suggest “structure description data describing... a plurality of segments that use the media, expressed in time information”, or an analyzer which “extracts the time information of the segments from the structure description data”, as recited in claim 1.

At page 4 of the Final Office Action, the Examiner notes that DAVIS et al. discloses, at col. 2, lines 50-55, a media parser which processes a media signal to obtain a content representation, and asserts that this reads on the claimed “structure description data in which media content is described.” At page 5 of the Final Office Action, the Examiner notes that DAVIS et al. also discloses, at Figure 8 and col. 11, line 38 – col. 12, line 5, a graphical user interface which displays media signals and content representations of them in a timeline format, and asserts that this reads on the claimed “plurality of segments that use the media, expressed in time information” and an analyzer which “extracts the time information of the segments from the structure description data.”

In the Advisory Action, the Examiner asserts, without citing any specific portion of DAVIS et al., that “[e]ach content representation is data that provides information about the media signal, and is functionally dependent on the media signal, such as: frames, timecodes, movies, television programs music videos, etc.” The Examiner appears to refer to col. 2, lines 32-43 of DAVIS et al. However, Appellant respectfully submits that this portion of DAVIS et al. merely discloses that the invention shifts away from the paradigm of direct manipulation of temporal representations of media, such as frames and timecodes, and submit that this portion does not describe the contents of the content representation data.

Appellants respectfully submit that the Examiner has not identified any portion of the DAVIS et al. reference which specifically discloses that the content representation data describes segments of the media signal, in terms of time information. DAVIS et al. discloses, at col. 5, line 62 – col. 6, line 62, for example, exemplary media signal attributes that may be described by the content representation data, such as the pitch of a signal, or an indication that a video image switches to a different camera shot. However, Appellants submit that DAVIS et al. fails to disclose that the content representation describes a media signal segment in terms of time information.

DAVIS’s Figure 8, referred to by the Examiner in the Final Office Action, shows a graphical user interface in which a media input signal 38 and a corresponding content representation signal 52 are displayed, along with a ruler 36 depicting increments of time, as disclosed at col. 11, line 38 – col. 12, line 26 of DAVIS et al. However, Appellants respectfully submit that displaying the content representation signal 52 in a timeline

format, as shown in Figure 8, does not require an extraction of time information from the content representation signal.

Appellants respectfully submit that DAVIS et al. also fails to disclose a converter that automatically organizes types of media per extracted time information, automatically arranges the types of media in an order of representation, and automatically converts structure description data into representation description data, as recited in claim 1.

As DAVIS et al. requires the graphical user interface shown in Figure 8 to create new media content, Appellants submit that creation of the new media content requires input from a user. In contrast, the data processing apparatus of claim 1 automatically converts structure description data into representation description data by extracting time information from the structure description data.

Appellants also submit that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest “structure description data describing... addresses indicating locations of the media content”, as recited in claim 1.

At page 6 of the Final Official Action, the Examiner acknowledges that DAVIS’s content representation does not describe addresses indicating locations of media content, that such addresses are not extracted per time information, and that the addresses are not arranged in an order of representation, as recited in claim 1. However, the Examiner asserts that, in view of JAIN et al., it would have been obvious to a person of ordinary skill in the art to modify DAVIS et al. such that DAVIS’s time-based media processing system includes a means of indicating the address locations of the media content, that the address locations are extracted per time information, and the addresses are arranged in an order of representation. At page 7 of the Final Official Action, the Examiner asserts that

one of ordinary skill in the art would have been motivated to modify DAVIS in this manner in order to improve DAVIS's time-based media processing system.

The portion of JAIN et al. cited by the Examiner on page 6 of the Final Official Action (col. 1, lines 1 – col. 2, line 15 and col. 5, line 6 – col. 7, line 20) describes a Video Cataloger. In the Final Official Action, the Examiner fails to make even the basic assertion that JAIN et al. discloses an address indicating a location of media content, let alone explain, even generally, where JAIN et al. discloses structure description data which describes an address indicating a location of media content. The Examiner merely asserts that, in view of JAIN et al., it would have been obvious to modify DAVIS et al. such that DAVIS's time-based media processing system includes a means of indicating the address locations of the media content.

In addition to the fact that JAIN et al. fails to disclose structure description data which describes an address indicating a location of media content, Appellants submit that the motivation the Examiner asserts for modifying DAVIS et al., i.e., to improve DAVIS's time-based media processing system (as stated at page 7 of the Final Rejection, and repeated in the Advisory Action), is insufficient, and without basis. Appellants respectfully submit that the motivation for modifying anything is to make an improvement, and if this were an acceptable basis for establishing an obviousness rejection, the motivation requirement would be merely a formality. Appellants further submit that there is no basis for the assertion that the modification to DAVIS's time-based media processing system would improve it, as the address feature is neither disclosed in DAVIS et al. nor JAIN et al. At page 7 of the Final Rejection (and the Continuation Sheet of the Advisory Action), the Examiner cites col. 2, lines 7-18 of

DAVIS et al. as support for the asserted motivation. Appellants respectfully submit that this portion of DAVIS et al. merely states that there is a need for a time-based media processing system which is capable of providing high-quality, adaptive media productions without requiring a significant level of skill on the part of the user. Appellants submit that this portion of DAVIS et al. makes no reference whatsoever to an address which indicates a location of media content.

### **Claim 2**

Appellants respectfully submit that claim 2 is allowable at least for the reason that it depends directly from claim 1.

Appellants respectfully submit that claim 2 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest structure description data that “describes a set of alternative data to the media content”, as recited in claim 2.

At page 8 of the Final Official Action, the Examiner asserts that claim 2 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature of the structure description data describing a set of alternative data to the media content. Appellants respectfully submit that no such teaching is taught or made obvious by the applied art with respect to the limitations of claim 2.

**Claim 3**

Appellants respectively submit that claim 3 is allowable at least for the reason that it depends directly from claim 1.

Appellants respectively submit that claim 3 is also allowable for the additional reason that there is no motivation to combine DAVIS et al. and JAIN et al. in the manner suggested by the Examiner.

Claim 3 recites the feature “wherein the representation description data is a SMIL document.” Appellants respectfully submit that no such teaching is taught or made obvious by the applied art.

At page 8 of the Final Official Action, the Examiner asserts that JAIN et al. discloses, at col. 8, lines 32-49, that a media format can be in SMIL. At page 8 of the Final Official Action, the Examiner asserts that one of ordinary skill in the art would be motivated to include a means of representation decryption data (Appellants assume the Examiner means “representation *description* data”), in DAVIS’s processing system in order to improve it, once again citing col. 2, lines 7-18 of DAVIS et al. for support.

As discussed above with respect to claim 1, Appellants submit that merely asserting that one would be motivated to improve DAVIS’s system, without any support whatsoever from either DAVIS et al. or JAIN et al. that such a modification would result in an improvement, is an improper basis for an making an obviousness rejection. Thus, Appellants submit that an additional reason exists for finding claim 3 to be allowable over the applied art of record.

**Claim 4**

Appellants respectively submit that claim 4 is allowable at least for the reasons that it depends directly from claim 2, and indirectly from claim 1.

Appellants respectively submit that claim 4 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest a converter that “describes, in the representation description data, selection conditions for selecting the media content and alternative data”, and a data processing apparatus that “selects and represents one of the media content and the alternative data in accordance with the selection conditions”, as recited in claim 4. Appellants respectfully submit that no such teaching is taught or made obvious by the applied art.

At page 8 of the Final Official Action, the Examiner asserts that claim 4 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” Appellants submit that, in the Final Official Action, the Examiner fails to address the claimed feature of the converter describing the selection conditions in the representation description data, and the claimed feature of the data processing apparatus selecting and representing one of media content and alternative data in accordance with the selection conditions. Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and thus, submit that claim 4 is allowable for at least this additional reason.

**Claim 11**

Appellants respectfully submit that the combination of DAVIS et al. and JAIN et al. fails to disclose, or even suggest, the additional feature of “a selector that receives as



inputs structure description data in which media content is described and a selection condition”, as recited in independent claim 11.

Although it is not entirely clear, at page 7 of the Final Official Action, the Examiner appears to take the position that DAVIS et al. discloses all of the features recited in claim 11 except for the claimed “selection condition”, “media content score”, and “addresses indicating locations of the media content”. However, the Examiner takes the position that JAIN et al. discloses these features.

At page 7 of the Final Official Action, the Examiner notes that JAIN et al. discloses, at col. 6, lines 48-51, that a Clip Track metadata is defined/created by a user using a GUI to mark in- and out-times, and type in alphanumeric data. Without explanation, the Examiner asserts that this is an obvious variant of a selection condition. The Examiner provides no motivation for combining this feature with DAVIS’s time-based media processing system.

Appellants respectfully submit that using a GUI to mark in- and out-times of JAIN’s Clip Track metadata bears no resemblance to Appellants’ claimed selection condition. Appellants further submit that even if JAIN’s Clip Track did resemble Appellants’ selection condition (and Appellants submit it does not), the Examiner has not explained how or why one would be motivated to combine JAIN’s Clip Track with DAVIS’s time-based media processing system.

Appellants respectfully submit that the combination of DAVIS et al. and JAIN et al. also fails to disclose or suggest “structure description data describing... at least one media score”, as recited in claim 11.

At page 7 of the Final Official Action, the Examiner notes that JAIN et al. discloses, at col. 6, lines 48-57, that each bar in the above-noted Clip Track consists of a user-defined group of metadata fields, such as Story Title, Report, Location, Shot Date, Air Date, Keywords and Summary. Again, without explanation, the Examiner asserts that the claimed media content score would have been an obvious variant of JAIN's media metadata, and provides no motivation for combining JAIN's metadata with DAVIS's time-based media processing system to arrive at Appellants' claimed invention.

Appellants respectfully submit that JAIN's metadata does not resemble Appellants' claimed media content score, and further submit that even if one incorrectly asserted that JAIN's metadata did resemble Appellants' media content score, the Examiner has not suggested any motivation to combine JAIN's metadata with DAVIS's time-based media processing system.

Appellants further submit that the Examiner failed to even address the claimed features "wherein the selector selects at least part of the media content based on the selection condition and the at least one media content score", and "a representer that receives the representation description data and the selected media content, and represents the selected media content according to the representation description data" as recited in claim 11.

Further, for the same reasons set forth above with respect to claim 1, Appellants respectfully submit that the combination of DAVIS and JAIN fails to disclose or suggest "structure description data describing addresses indicating locations of the media content [and] a plurality of segments that use the media, expressed in time information", and "a converter that automatically organizes the types of media of the selected content and the

addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation description data”, as recited in claim 11.

Appellants additionally submit that claims 12, 13 and 23-27 are allowable, at least for the reason that these claims depend, directly or indirectly from claim 11, and for additional reasons to be discussed below.

### **Claim 12**

Appellants respectively submit that claim 12 is allowable at least for the reason that it depends directly from claim 11.

Appellants respectively submit that claim 12 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or “a server comprising the selector and converter”, “a client comprising the representer”, and “a network that connects said server and said client, wherein the representation description data is communicated between said server and said client”, as recited in claim 12. No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 12 “incorporate[s] substantially similar subject matter as cited in claim 11 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner merely asserts that JAIN et al. discloses, at col. 5, lines 23-50 and Figure 4, a data network (250) environment in which machines are connected using a TCP/IP network protocol.

Appellants respectfully submit that JAIN et al. does not disclose a server which includes a selector and converter such as that recited in Appellants' claim 11. Appellants further submit that the Examiner has not even suggested any motivation for modifying DAVIS et al., such that a selector and converter are provided in a server, a representer is provided in a client, and representation description data is communicated between the server and client, as recited in claim 12. Thus, Appellants submit that an additional ground exists for finding claim 12 to be allowable over the applied art.

### **Claim 13**

Appellants respectfully submit that claim 13 is allowable at least for the reason that it depends directly from claim 11.

Appellants respectfully submit that claim 13 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or “a server comprising the selector”, “a client comprising the converter and the representer”, and “a network that connects said server and said client, where only structure description data is communicated between said server and said client”, as recited in claim 13. No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 13 “incorporate[s] substantially similar subject matter as cited in claims 11 and 12 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature of a server comprising the selector, a client comprising the converter and the representer, and only structure description data corresponding to selected media content being communicated between the server and

client. Appellants respectfully submit that these feature are not disclosed or suggested in either DAVIS et al. or JAIN et al., and thus, submit that claim 13 is allowable for this additional reason.

**Claim 21**

Appellants respectively submit that claim 21 is allowable at least for the reasons that it depends directly from claim 2, and indirectly from claim 1.

Appellants respectively submit that claim 21 is allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest alternative data which comprises one of a representative image of media and audio information, as recited in claim 21. Appellants submit that no such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 21 “incorporate[s] substantially similar subject matter as cited in claim 11 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature of alternative data which comprises one of a representative image of media and audio information. Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 21 is allowable for this additional reason.

**Claim 22**

Appellants respectively submit that claim 22 is allowable at least for the reason that it depends directly from claim 1.

Appellants respectively submit that claim 22 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest the claimed feature “wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.” No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 22 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature “wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.” Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 22 is allowable for this additional reason.

### **Claim 23**

Appellants respectively submit that claim 23 is allowable at least for the reason that it depends directly from claim 11.

Appellants respectively submit that claim 23 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest the claimed feature “wherein the structure description data describes a set of alternative

data to the media content”. No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 23 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature “wherein the structure description data describes a set of alternative data to the media content”. Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 23 is allowable for this additional reason.

#### **Claim 24**

Appellants respectively submit that claim 24 is allowable at least for the reason that it depends directly from claim 11.

Appellants respectively submit that claim 23 is allowable for the additional reason that that there is no motivation to combine DAVIS et al. and JAIN et al. in the manner suggested by the Examiner.

As with claim 3, claim 24 recites the feature “wherein the representation description data is a SMIL document.” No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 24 “incorporate[s] substantially similar subject matter as cited in claim 3 above, and [is] similarly rejected along the same rationale.” As discussed above with respect to claim 3,

Appellants submit that merely asserting that one would be motivated to improve DAVIS's system, without any support whatsoever from either DAVIS et al. or JAIN et al. that such a modification would result in an improvement, is an improper basis for an making an obviousness rejection.

**Claim 25**

Appellants respectively submit that claim 25 is allowable at least for the reasons that it depends directly from claim 23, and indirectly from claim 11.

Appellants respectively submit that claim 25 is allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest a converter that “describes, in the representation description data, selection conditions for selecting the media content and alternative data”, and a data processing apparatus that “selects and represents one of the media content and the alternative data in accordance with the selection conditions”, as recited in claim 25. No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 25 “incorporate[s] substantially similar subject matter as cited in claim 11 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature of the converter describing the selection conditions in the representation description data, and the claimed feature of the data processing apparatus selecting and representing one of media content and alternative data in accordance with the selection conditions. Appellants respectfully submit that this feature



is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 25 is allowable for this additional reason.

**Claim 26**

Appellants respectively submit that claim 26 is allowable at least for the reasons that it depends directly from claim 23, and indirectly from claim 11.

Appellants respectively submit that claim 26 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest alternative data which comprises one of a representative image of media and audio information, as recited in claim 26. No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 26 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature of alternative data which comprises one of a representative image of media and audio information. Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 26 is allowable for this additional reason.

**Claim 27**

Appellants respectively submit that claim 27 is allowable at least for the reason that it depends directly from claim 11.

Appellants respectively submit that claim 27 is also allowable for the additional reason that the combination of DAVIS et al. and JAIN et al. fails to disclose or suggest the claimed feature “wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.” No such teaching is taught or made obvious by the applied art.

At page 9 of the Final Official Action, the Examiner asserts that claim 27 “incorporate[s] substantially similar subject matter as cited in claim 1 above, and [is] similarly rejected along the same rationale.” In the Final Official Action, the Examiner fails to address the claimed feature “wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.” Appellants respectfully submit that this feature is not disclosed or suggested in either DAVIS et al. or JAIN et al., and submit that claim 27 is allowable for this additional reason.

#### **(9) CONCLUSION**

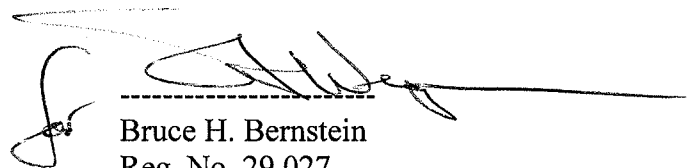
Accordingly, for each and all of the reasons noted above, Appellants submit that the rejection of claims 12, 13, 21 and 26 under 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph is improper, and the rejection of claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) is inappropriate and unsupported by the proposed combination of DAVIS et al. and JAIN et al. Therefore, Appellants respectfully request that the decision of the Examiner to reject

claims 12, 13, 21 and 26 under 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs and reject claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) be reversed, and that the application be returned to the Examiner for withdrawal of the rejections, and an early allowance of claims 1-4, 11-13 and 21-27 on appeal.

Appellants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Appellants have explained the combination of features recited in claims 1-4, 11-13 and 21-27 and have shown how these features are not disclosed, suggested or rendered obvious by the combination of references applied in the Final Official Action dated August 24, 2005. Accordingly, at least for the reasons set forth herein, Appellants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the claims now pending in due course.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,  
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APPENDIX

1. (Previously Presented) A data processing apparatus, comprising:  
  
an analyzer that receives as input structure description data in which media content is described, the media content being continuous audiovisual information, the structure description data describing types of media included in the media content, addresses indicating locations of the media content, and a plurality of segments that use the media, expressed in time information, wherein the analyzer extracts the time information of the segments from the structure description data; and  
  
a converter that automatically organizes the types of media and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation description data that specifies an order of representation and synchronization information of the segments.
2. (Previously Presented) The apparatus according to claim 1, wherein the structure description data describes a set of alternative data to the media content.
3. (Original) The apparatus according to claim 1, wherein the representation description data is a SMIL document.
4. (Previously Presented) The apparatus according to claim 2, wherein the converter describes, in the representation description data, selection conditions for selecting the media content and alternative data, and the data processing apparatus selects

and represents one of the media content and the alternative data in accordance with the selection conditions.

5-10. (Canceled)

11. (Previously Presented) A data processing apparatus, comprising:

a selector that receives as inputs structure description data in which media content is described and a selection condition, the media content being continuous audiovisual information, the structure description data describing types of media included in the media content, addresses indicating locations of the media content, a plurality of segments that use the media, expressed in time information, and at least one media content score, wherein the selector selects at least part of the media content based on the selection condition and the at least one media content score;

a converter that automatically organizes the types of media of the selected media content and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation description data that specifies an order of representation and synchronization information of the segments; and

a presenter that receives the representation description data and the selected media content, and represents the selected media content according to the representation description data.

12. (Previously Presented) A server-client system, comprising:

a server comprising the selector and converter according to claim 11;  
a client comprising the representer according to claim 11; and  
a network that connects said server and said client, wherein the representation description data is communicated between said server and said client.

13. (Previously Presented) A server-client system, comprising:  
a server comprising the selector according to claim 11;  
a client comprising the converter and the representer according to claim 11; and  
a network that connects said server and said client, wherein only structure description data corresponding to the selected media content is communicated between said server and said client.

14-20. (Canceled)

21. (Previously Presented) The apparatus according to claim 2, wherein the alternative data comprises one of a representative image of media and audio information.

22. (Previously Presented) The apparatus according to claim 1, wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.

23. (Previously Presented) The apparatus according to claim 11, wherein the structure description data describes a set of alternative data to the media content.

24. (Previously Presented) The apparatus according to claim 11, wherein the representation description data is a SMIL document.

25. (Previously Presented) The apparatus according to claim 23, wherein the converter describes, in the representation description data, selection conditions for selecting the media content and alternative data, and the data processing apparatus selects and represents one of the media content and the alternative data in accordance with the selection conditions.

26. (Previously Presented) The apparatus according to claim 23, wherein the alternative data comprises one of a representative image of media and audio information.

27. (Previously Presented) The apparatus according to claim 11, wherein when time information is continuous between at least two segments of the same media content, the converter connects said segments and organizes the time information of said segments, the type of said media, and the addresses indicating locations of said media content.

EVIDENCE APPENDIX

None



RELATED PROCEEDINGS APPENDIX

None